Court No.2.

Writ Petition No. 683(S/B) of 2002

Gulzar Singh Khalsa …… Petitioner

Versus

State of Uttaranchal
and others ……. Respondent

……

Hon. P.C. Verma, J.
Hon. Irshad Hussain,J.

Heard Sri P.C. Jhingan, learned counsel for the petitioner and learned C.S.C.

The petitioner has filed this writ petition seeking a writ of mandamus commanding the respondents for considering his case for regularization in accordance with the directions issued by the apex Court passed in Civil Appeal No. 4347-54 of 1990 – U.P.S.R.T.C. and another Vs. U.P.Parivahan Nigam Shishukhs Berozgar Sangh and others for appointment of the trained apprentice.

Hon'ble Supreme Court in Para 12 and 13 has observed as under:

"12. In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of the trainees to get employment after successful completion of their training:

(1) other things being equal, a trained apprentice should be given preference over direct recruits.

(2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India Vs. Hargopal, AIR 1987 SC 1227, would permit this.

(3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the concerned service rule. If the service rule be silent on this aspect, relaxation

to the extent of the period for which the apprentice had undergone training would be given.

(4) The concerned training institute would maintain a list of the persons trained yearwise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentice, preference shall be given to those who are senior.

13. In so far as the cases at hand are concerned, we find that the Corporation filed an additional affidavit in C.A. nos. 4347-54 of 1990(as desired by the Court) on 20th October, 1992 giving position regarding vacancies in the posts of conductors and clerk. If such posts be still vacant, we direct the Corporation to act in accordance with what has been stated above regarding the entitlement of the trainees. We make it clear that while considering the cases of the trainees for giving employment in suitable posts, what has been laid down in the Service Regulations of the Corporation shall be followed except that the trainees would not be required to appear in any written examination, if any provided by the Regulations. It is apparent that before considering the cases of the trainees, the requirement of their names being sponsored by the employment exchange would not be insisted upon. In so far as the age requirement is concerned, the same shall be relaxed as indicated above."

Therefore, the respondent no.2 shall consider the case of the petitioner in accordance with the directions quoted above.

The petition is disposed of accordingly.

(P.C. Verma, J.) **(Irshad Hussain, J.)**

Dt.28.06.2002

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